Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1-56. (canceled)

57. (previously presented) An AV data recording apparatus comprising a PES (Packetized Elementary Stream) stream assembling section to divide an audio signal and a video signal into PES packets and to assemble a plurality of the PES packets of a fixed length as one PES stream, and a recording section to record the PES stream in a plurality of logical blocks on a recording medium;

the size of the PES packet of a fixed length having a non-integral multiple relationship with that of the logical block;

the recording section comprising a logical block managing section to manage whether a logical block on the recording medium is used or not, a continuous data area detecting section to detect a continuous data area that ensures realtime continuous reproduction of the audio signal and the video signal, and a recording control section to determine a logical block number of the continuous data area on which the PES stream is to be recorded;

wherein the PES stream is recorded continuously without providing any spacing in the plural continuous data areas detected by the continuous data area detecting section.

58. (previously presented) The AV data recording apparatus according to claim 57, wherein the continuous data area comprises plural continuous logical blocks that enable recording at a maximum recording/reproducing rate during at least a period required for securing reproduction data for a maximum move time of a reading/writing head at the continuous data area detection section.

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59. (previously presented) The AV data recording apparatus according to claim 57, wherein the PES stream is assembled by dividing an audio signal and a video signal into PES packets, configuring the plural PES packets for a predetermined time length as one unit packet, and by aligning the unit packets.

60. (previously presented) The AV data recording apparatus according to claim 58, wherein the PES stream is assembled by dividing an audio signal and a video signal into PES packets, configuring the plural PES packets for a predetermined time length as one unit packet, and by aligning the unit packets.

61. (canceled)

62. (previously presented) An AV data recording apparatus comprising a system stream assembling section to assemble an audio signal and a video signal as one system stream comprising a plurality of packets of a fixed length, and a recording section to record the system stream in a plurality of logical blocks on a recording medium;

the size of the packet of a fixed length having non-integral multiple relationship with that of the logical block;

the recording section comprising a logical block managing section to manage whether a logical block on the recording medium is used or not, a continuous data area detecting section to detect a continuous data area that ensures realtime continuous reproduction of the audio signal and the video signal, and a recording control section to determine a logical block number of the continuous data area on which the system stream is to be recorded;

wherein the AV data recording apparatus further comprises a post-recording control section to record continuously the system stream on the plural continuous data areas detected by the continuous data area detecting section, and at the same time, to record a plurality of dummy data being equal to the logical block in total size on the logical block so as to replace only the dummy data with audio data at the time of post-recording.

63. (previously presented) The AV data recording apparatus according to claim 62, wherein the post-recording control section records the system stream continuously on a plurality of the

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continuous data areas detected by the continuous data area detecting section, and at the same time, records a plurality of dummy data whose total size being larger than a logical block in at least one of the logical blocks; and

replaces only the dummy data included in a predetermined logical block with audio data at the time of post-recording.

64-94. (canceled)

95. (previously presented) An AV data recording method comprising:

dividing an audio signal and a video signal into PES packets and assembling a plurality of the PES packets of a fixed length as a PES stream, and recording the PES stream in a plurality of logical blocks on a recording medium, the size of the PES packet of a fixed length having a non-integral multiple relationship with that of the logical block;

the method further comprising: managing whether a logical block on the recording medium is used or not, detecting a continuous data area that ensures realtime continuous reproduction of the audio signal and the video signal, and determining a logical block number of the continuous data area on which the PES stream is to be recorded;

wherein the PES stream is recorded continuously without providing any spacing in the continuous data areas which have been detected.

96. (previously presented) The AV data recording method according to claim 95, wherein the continuous data area comprising the plural continuous logical blocks that enable recording at a maximum recording/reproducing rate during at least a period required for securing reproduction data for a maximum move time of a reading/writing head is detected during detection of the continuous data area.

97. (previously presented) The AV data recording method according to claim 95, wherein the PES stream is assembled by dividing an audio signal and a video signal into PES packets, configuring the plural PES packets for a predetermined time length as one unit packet, and by aligning the unit packets.

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98. (previously presented) The AV data recording method according to claim 96, wherein the PES stream is assembled by dividing an audio signal and a video signal into PES packets, configuring the plural PES packets for a predetermined time length as one unit packet, and by aligning the unit packets.

99. (canceled)

100. (previously presented) An AV data recording method comprising:

assembling an audio signal and a video signal as a system stream comprising a plurality of packets of a fixed length, and recording the system stream in a plurality of logical blocks on a recording medium, the size of the packet of a fixed length having a non-integral multiple relationship with that of the logical block;

the method further comprising:

managing whether a logical block on the recording medium is used or not,

detecting a continuous data area that ensures realtime continuous reproduction of the audio signal and the video signal, and

determining a logical block number of the continuous data area on which the system stream is to be recorded;

wherein the AV data recording method further comprises:

continuous recording of the system stream on the plural detected continuous data areas and at the same time, recording of a plurality of dummy data whose total size is equal to a logical block area in the logical block, and

replacing only the dummy data with audio data at the time of post-recording.

101. (previously presented) The AV data recording method according to claim 100, wherein during a replacement of only the dummy data with audio data in the post-recording, the system stream is recorded continuously on a plurality of the detected continuous data areas and at the same time, a plurality of dummy data that are larger in total size than a logical block are recorded in at least one logical block; and

only the dummy data included in a predetermined logical block are replaced with audio data at the time of post-recording.

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102-144. (canceled)

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